

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUIS FELIPE MORENO-GODOY,

Plaintiff,

-v-

GALLET DREYER & BERKEY, LLP et al.,

Defendants.

14 Civ. 7082 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received a letter from *pro se* defendant Roger L. Stavis, Esq., who, on behalf of himself and co-defendant Gallet Dreyer & Berkey, LLP, requests a settlement conference with all parties. Dkt. 210. Mr. Stavis asks the Court to issue a writ to the Bureau of Prisons (“BOP”), ordering the production of Mr. Moreno-Godoy from Federal Correctional Institution (“FCI”) Talledega to this District, for the purpose of attending such a conference.


The Court strongly agrees with Mr. Stavis that pretrial settlement of this case would be advisable. Insofar as the defense’s expression of interest in settlement reflects a neutral assessment of the implications of the Second Circuit’s revival of Mr. Moreno-Godoy’s claims, the Court regards Mr. Stavis’s letter as welcome.

However, Mr. Stavis’s proposal that the Court now order the transfer of Mr. Moreno-Godoy to this transcript is ill-conceived, for two reasons. First, Mr. Moreno-Godoy is represented by counsel. Any request that he be relocated in order to facilitate a productive settlement conference should come from plaintiff’s counsel, not the defense. It should come only after counsel for all parties have together attempted to settle the case. If such efforts fail, and if at that stage plaintiff’s counsel regards Mr. Moreno-Godoy’s personal participation in

settlement discussions as having real promise to produce a settlement, the Court would entertain an application for an order enabling Mr. Moreno-Godoy's participation by some means (remote or in person) in a settlement conference. Second, Mr. Stavis's proposal overlooks the ongoing pandemic, which for sound epidemiological reasons has cautioned against needless movement and production of prisoners, resulting in many criminal proceedings being conducted remotely. Insofar as Mr. Stavis's letter does not reflect that defense counsel have even initiated settlement discussions with plaintiff's counsel—let alone that such discussions have reached a point where Mr. Moreno-Godoy's participation is viewed by plaintiff's counsel as important to yield settlement—his proposal that Mr. Moreno-Godoy be relocated from Talledega, Alabama, to this District would needlessly expose numerous people, including U.S. Marshals and BOP personnel, to a risk of infection.

In the interests of promoting settlement, the Court directs that counsel for all defendants promptly confer about potential settlement, and thereafter, that Mr. Stavis organize a settlement conference among defense and plaintiff's counsel. Further towards this end, the Court is issuing an order referring the case to the assigned Magistrate Judge, the Hon. Robert W. Lehrburger, for settlement purposes. In the event that counsel are unable to settle this matter among themselves, counsel, consistent with the referral order, may wish to utilize Judge Lehrburger's good offices towards this end.

SO ORDERED.

  
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Paul A. Engelmayer  
United States District Judge

Dated: September 2, 2021  
New York, New York